

111TH CONGRESS
1ST SESSION

H. R. 1771

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2009

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To reauthorize the Chesapeake Bay Office of the National
Oceanic and Atmospheric Administration, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chesapeake Bay
3 Science, Education, and Ecosystem Enhancement Act of
4 2009”.

5 **SEC. 2. REAUTHORIZATION OF NOAA CHESAPEAKE BAY OF-**
6 **FICE.**

7 Section 307 of the National Oceanic and Atmospheric
8 Administration Authorization Act of 1992 (15 U.S.C.
9 1511d) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1) by striking “(in this
12 section” and all that follows and inserting a pe-
13 riod;

14 (B) by amending paragraph (2) to read as
15 follows:

16 “(2) The Office shall be headed by a Director,
17 who—

18 “(A) shall have knowledge and experience
19 in research or resource management efforts in
20 the Chesapeake Bay; and

21 “(B) shall be responsible for the adminis-
22 tration and operation of the office and the im-
23 plementation of this Act.”; and

24 (C) by striking paragraph (3);

25 (2) in subsection (b)—

1 (A) by striking so much as precedes para-
2 graph (1) and inserting the following:

3 “(b) PURPOSE.—The purpose of this section is to
4 focus the relevant science, research, and resource manage-
5 ment capabilities of the National Oceanic and Atmospheric
6 Administration as they apply to the Chesapeake Bay and
7 to utilize the Office to—”;

8 (B) in paragraph (2), by striking “Sec-
9 retary of Commerce” and inserting “Adminis-
10 trator”;

11 (C) in paragraph (3)—

12 (i) by striking the matter preceding
13 subparagraph (A) and inserting the fol-
14 lowing:

15 “(3) coordinate the programs and activities of
16 the various organizations within the National Oce-
17 anic and Atmospheric Administration in furtherance
18 of such administration’s coastal resource steward-
19 ship mission, including—”;

20 (ii) in subparagraph (A), by striking
21 “and” after the semicolon at the end of
22 clause (vi), and by inserting after clause
23 (vii) the following:

24 “(viii) coastal hazards and climate
25 change; and”;

1 (iii) in subparagraph (B), by striking
2 “and” after the semicolon at the end of
3 clause (iii), by inserting “and” after the
4 semicolon at the end of clause (iv), and by
5 adding at the end the following:

6 “(v) integrated ecosystem assess-
7 ments;”;

8 (D) in paragraph (4)—

9 (i) by striking “Environmental Pro-
10 tection Agency” and inserting “Chesapeake
11 Executive Council”; and

12 (ii) by inserting before the semicolon
13 at the end the following: “as appropriate to
14 further purposes of this section”;

15 (E) by striking paragraphs (5) and (7);

16 (F) by redesignating paragraph (6) as
17 paragraph (5); and

18 (G) by adding at the end the following:

19 “(6) perform any functions necessary to sup-
20 port the programs referred to in paragraph (3).”;
21 and

22 (3) by striking subsection (c) and all that fol-
23 lows through the end of the section and inserting the
24 following:

25 “(c) PROGRAM ACTIVITIES.—

1 “(1) IN GENERAL.—The Administrator,
2 through the Director, shall implement the program
3 activities authorized by this subsection to support
4 the activity of the Chesapeake Executive Council and
5 to further the purposes of this section.

6 “(2) ENSURING SCIENTIFIC AND TECHNICAL
7 MERIT.—The Director shall—

8 “(A) establish and utilize an effective and
9 transparent mechanism to ensure that projects
10 funded under this section have undergone ap-
11 propriate peer review; and

12 “(B) provide other appropriate means to
13 determine that such projects have acceptable
14 scientific and technical merit for the purpose of
15 achieving maximum utilization of available
16 funds and resources to benefit the Chesapeake
17 Bay area.

18 “(3) CONSULTATION WITH CHESAPEAKE EXEC-
19 UTIVE COUNCIL.—The Director shall, in the imple-
20 mentation of the program activities authorized under
21 this section, consult with the Chesapeake Executive
22 Council, to ensure that the activities of the Office
23 are consistent with the purposes and priorities of the
24 Chesapeake Bay Agreement and plans developed
25 pursuant to the Agreement.

1 “(4) INTEGRATED COASTAL OBSERVATIONS.—

2 “(A) IN GENERAL.—The Administrator,
3 through the Director, may collaborate with sci-
4 entific and academic institutions, State and
5 Federal agencies, non-governmental organiza-
6 tions, and other constituents in the Chesapeake
7 Bay watershed, to support an integrated obser-
8 vations system for the Chesapeake Bay con-
9 sistent with the purposes of subtitle C of title
10 XII of Public Law 111–11 (33 U.S.C. 3601 et
11 seq.).

12 “(B) SPECIFIC REQUIREMENTS.—To sup-
13 port the system referred to in subparagraph (A)
14 and provide a complete set of environmental in-
15 formation for the Chesapeake Bay, the Director
16 shall—

17 “(i) coordinate existing monitoring
18 and observing activities in the Chesapeake
19 Bay;

20 “(ii) identify new data collection needs
21 and deploy new technologies, as appro-
22 priate;

23 “(iii) collect and analyze the scientific
24 information necessary for the management

1 of living marine resources and the marine
2 habitat associated with such resources;

3 “(iv) manage and interpret the infor-
4 mation described in clause (iii); and

5 “(v) organize the information de-
6 scribed in clause (iii) into products that
7 are useful to policy makers, resource man-
8 agers, scientists, and the public.

9 “(C) CHESAPEAKE BAY INTERPRETIVE
10 BUOY SYSTEM.—To further the development
11 and implementation of the Chesapeake Bay In-
12 terpretive Buoy System, the Director may—

13 “(i) support the establishment and
14 implementation of the Captain John Smith
15 Chesapeake National Historic Trail;

16 “(ii) delineate key waypoints along the
17 trail and provide appropriate real-time
18 data and information for trail users;

19 “(iii) interpret data and information
20 for use by educators and students to in-
21 spire stewardship of Chesapeake Bay; and

22 “(iv) incorporate the Chesapeake Bay
23 Interpretive Buoy System into the Inte-
24 grated Ocean Observing System regional
25 network of observatories.

1 “(5) CHESAPEAKE BAY WATERSHED EDU-
2 CATION AND TRAINING PROGRAM.—

3 “(A) IN GENERAL.—The Administrator,
4 through the Director, may establish a Ches-
5 apeake Bay watershed education and training
6 program. The program shall—

7 “(i) continue and expand the Ches-
8 apeake Bay watershed education programs
9 offered by the Office immediately before
10 the enactment of the Chesapeake Bay
11 Science, Education, and Ecosystem En-
12 hancement Act of 2009;

13 “(ii) improve the understanding of el-
14 ementary and secondary school students
15 and teachers of the living resources of the
16 ecosystem of the Chesapeake Bay;

17 “(iii) provide community education to
18 improve watershed protection; and

19 “(iv) meet the educational goals of the
20 Chesapeake 2000 Agreement.

21 “(B) GRANT PROGRAM.—The Director
22 may award grants for the purposes of this para-
23 graph. Grants awarded under this subpara-
24 graph may be used to support education and
25 training projects that enhance understanding

1 and assessment of a specific environmental
2 problem in the Chesapeake Bay watershed or a
3 goal of the Chesapeake Bay Program, or pro-
4 tect or restore living resources of the Chesa-
5 peake Bay watershed, including projects that—

6 “(i) provide classroom education, in-
7 cluding the development and use of dis-
8 tance learning and other innovative tech-
9 nologies, related to the Chesapeake Bay
10 watershed;

11 “(ii) provide watershed educational
12 experiences in the Chesapeake Bay water-
13 shed;

14 “(iii) provide professional development
15 for teachers related to the Chesapeake Bay
16 watershed and the dissemination of perti-
17 nent education materials oriented to vary-
18 ing grade levels;

19 “(iv) demonstrate or disseminate envi-
20 ronmental educational tools and materials
21 related to the Chesapeake Bay watershed;

22 “(v) demonstrate field methods, prac-
23 tices, and techniques including assessment
24 of environmental and ecological conditions
25 and analysis of environmental problems;

1 “(vi) build the capacity of organiza-
2 tions to deliver high quality environmental
3 education programs; and

4 “(vii) educate local land use officials
5 and decision makers on the relationship of
6 land use to natural resource and watershed
7 protection.

8 “(C) COLLABORATION.—The Director shall
9 implement the education and training program
10 in collaboration with the heads of other relevant
11 Federal agencies.

12 “(6) COASTAL AND LIVING RESOURCES MAN-
13 AGEMENT AND HABITAT PROGRAM.—

14 “(A) IN GENERAL.—The Administrator,
15 through the Director, may establish a Ches-
16 peake Bay coastal living resources management
17 and habitat program to support coordinated
18 management, protection, characterization, and
19 restoration of priority Chesapeake Bay habitats
20 and living resources, including oysters, blue
21 crabs, and submerged aquatic vegetation.

22 “(B) ACTIVITIES.—Under the program,
23 the Director may, subject to the availability of
24 appropriations, carry out or enter into grants,

1 contracts, and cooperative agreements and pro-
2 vide technical assistance to support—

3 “(i) native oyster restoration;

4 “(ii) fish and shellfish aquaculture
5 that is carried out in accordance with a
6 valid Federal or State permit;

7 “(iii) establishment of submerged
8 aquatic vegetation propagation programs;

9 “(iv) the development of programs
10 that protect and restore critical coastal
11 habitats;

12 “(v) habitat mapping, characteriza-
13 tion, and assessment techniques necessary
14 to identify, assess, and monitor restoration
15 actions;

16 “(vi) application and transfer of ap-
17 plied scientific research and ecosystem
18 management tools to fisheries and habitat
19 managers;

20 “(vii) collection, synthesis, and shar-
21 ing of information to inform and influence
22 coastal and living resource management
23 issues; and

1 “(viii) other activities that the Direc-
2 tor determines are appropriate to carry out
3 the purposes of such program.

4 “(d) REPORTS.—

5 “(1) IN GENERAL.—The Administrator,
6 through the Director, shall submit a biennial report
7 to the Congress and the Secretary of Commerce on
8 the activities of the Office and on progress made in
9 protecting and restoring the living resources and
10 habitat of the Chesapeake Bay.

11 “(2) ACTION PLAN.—Each such report shall in-
12 clude an action plan for the 2-year period following
13 submission of the report, consisting of—

14 “(A) a list of recommended research, moni-
15 toring, and data collection activities necessary
16 to continue implementation of the strategy
17 under subsection (b)(2); and

18 “(B) recommendations to integrate Na-
19 tional Oceanic and Atmospheric Administration
20 activities with the activities of the partners in
21 the Chesapeake Bay Program to meet the com-
22 mitments of the Chesapeake 2000 agreement
23 and subsequent agreements.

24 “(e) AGREEMENTS.—

1 “(1) IN GENERAL.—The Administrator,
2 through the Director, may, subject to the availability
3 of appropriations, enter into and perform such con-
4 tracts, leases, grants, or cooperative agreements as
5 may be necessary to carry out the purposes of this
6 Act.

7 “(2) USE OF OTHER RESOURCES.—For pur-
8 poses related to the understanding, protection, and
9 restoration of Chesapeake Bay, the Director may
10 use, with their consent and with or without reim-
11 bursement, the land, services, equipment, personnel,
12 and facilities of any Department, agency, or instru-
13 mentality of the United States, or of any State, local
14 government, Indian tribal government, or of any po-
15 litical subdivision thereof.

16 “(3) DONATIONS.—The Director may accept
17 donations of funds, other property, and services for
18 use in understanding, protecting, and restoring the
19 Chesapeake Bay. Donations accepted under this sec-
20 tion shall be considered as a gift or bequest to or for
21 the use of the United States.

22 “(f) DEFINITIONS.—In this section:

23 “(1) ADMINISTRATOR.—The term ‘Adminis-
24 trator’ means the Administrator of the National
25 Oceanic and Atmospheric Administration.

1 “(2) CHESAPEAKE BAY AGREEMENT.—The
2 term ‘Chesapeake Bay Agreement’ means the for-
3 mal, voluntary agreements executed to achieve the
4 goal of restoring and protecting the Chesapeake Bay
5 ecosystem and the living resources of the Chesa-
6 peake Bay ecosystem and are signed by the Chesa-
7 peake Executive Council.

8 “(3) CHESAPEAKE EXECUTIVE COUNCIL.—The
9 term ‘Chesapeake Executive Council’ means the rep-
10 resentatives from the Commonwealth of Virginia, the
11 State of Maryland, the Commonwealth of Pennsyl-
12 vania, the Environmental Protection Agency, the
13 District of Columbia, and the Chesapeake Bay Com-
14 mission, who are signatories to the Chesapeake Bay
15 Agreement, and any future signatories to that agree-
16 ment.

17 “(4) DIRECTOR.—The term ‘Director’ means
18 the Director of the Office.

19 “(5) OFFICE.—The term ‘Office’ means the
20 Chesapeake Bay Office established under this sec-
21 tion.

22 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to the Secretary to carry
24 out this section—

25 “(1) \$17,000,000 for fiscal year 2011;

- 1 “(2) \$18,700,000 for fiscal year 2012;
- 2 “(3) \$20,570,000 for fiscal year 2013; and
- 3 “(4) \$22,627,000 for fiscal year 2014.”.

Passed the House of Representatives September 30,
2009.

Attest: LORRAINE C. MILLER,
Clerk.